

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification ) NO. CR 2014-00288  
to Conduct Gambling Activities of: )  
Hector Gonzalez ) **NOTICE OF ADMINISTRATIVE**  
Grandview, Washington, ) **CHARGES AND OPPORTUNITY**  
Class III Employee. ) **FOR AN ADJUDICATIVE**  
 ) **PROCEEDING**  
 )  
 )

I.

The Washington State Gambling Commission issued Hector Gonzalez the following Class III Employee certification:<sup>1</sup>

Number 69-19749, authorizing Class III Employee activity formerly at Legends Casino in Yakima.

The certification expires on October 11, 2014, and was issued subject to the Class III employee's compliance with state gambling laws and rules and the Yakama Nation Tribal/State Compact.

II.

Mark Harris, Assistant Director of the Washington State Gambling Commission, charges Hector Gonzalez with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and the Yakama Nation Tribal/State Compact:

**SUMMARY:**

Mr. Gonzalez has failed to prove he is qualified to hold a certification based on the revocation of his license by the Yakama Nation Tribal Gaming Commission.

**FACTS:**

(1) The Yakama Nation Tribal Gaming Commission began an internal investigation of its marketing department employees after an indictment was filed in federal court charging 42 co-conspirators with felony charges, including Conspiracy to Steal Casino Funds and Theft By Employee of Gaming Establishment on Indian Lands.

\\  
\\

<sup>1</sup> The Commission issues Class III certifications to Tribal casino employees. Certifications allow similar activities as Card Room Employee (CRE) licenses for persons working at commercial house-banked card rooms. Class III employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

(2) The Class III Employee, Hector Gonzalez, was not criminally charged; however, the Tribal Gaming Commission's subsequent internal investigation found Mr. Gonzalez had failed to follow promotional rules in 2011.

(3) The Yakama Nation Tribal Gaming Commission summarily suspended and moved to revoke Mr. Gonzalez's license on December 16, 2013. Mr. Gonzalez received notice of his right to a hearing from the Tribal Commission. On January 3, 2014, Mr. Gonzalez asked for a hearing, which was held on January 24, 2014. Mr. Gonzalez appeared, and the Tribal Commission upheld the revocation in a notice dated January 31, 2014.

## **VIOLATIONS:**

### **1) Section V. C. of the Tribal-State Compact for Class III Gaming with the Confederated Tribes and Bands of the Yakama Indian Nation.**

The State Gaming Agency<sup>2</sup> may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or holder of certification or principal of an entity:

(The following subsection applies.)

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

### **2) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or certified employee, or any person with any interest therein:

(The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter;

---

<sup>2</sup> Washington State Gambling Commission, as referred to in Section II.V. of the Tribal-State Compact for Class III Gaming for the Yakama Indian Nation.

**3) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**  
We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsection applies.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

**4) RCW 9.46.153(1) Applicants and licensees - responsibilities and duties**

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Mr. Gonzalez has failed to prove he is qualified to hold a certification based on the revocation of his license by the Yakama Nation Tribal Gaming Commission. By having his license revoked, Mr. Gonzalez has failed to establish, by clear and convincing evidence, as required by RCW 9.46.153(1), that he is qualified to be certified. Grounds therefore, exist to revoke Mr. Gonzalez's Class III Employee certification under the Yakama Nation Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1).

///

///

///

///

///

///

///

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

You have the right to a hearing. To have a hearing, or to settle the case, the Gambling Commission must receive the hearing request form back from you within 23 days. After we receive this form, we will call you about settlement options. If you do not return the form on time, your certification may be revoked (taken away) and you cannot work. (RCW 34.05.440.)

IV.

I have read this Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents, believe it to be true, and have executed this Notice in my capacity as Assistant Director of the Washington State Gambling Commission.

Dated 5/7/14

*Mark Harris*

MARK HARRIS, ASSISTANT DIRECTOR

STATE OF WASHINGTON )  
COUNTY OF THURSTON )

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.  
Dated at Olympia, Washington this 8 day of May, 2014.

*Maurice Prell*